

REMARKS

The Office Action dated September 21, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claim 22 has been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Therefore, claims 21-40 are currently pending in the application and are respectfully submitted for consideration.

The Office Action objected to claim 22 because claim 22 was dependent upon canceled claim 20. Applicants respectfully submit that claim 22 has been amended to be dependent on claim 21, and thus, the objection is moot. Applicants respectfully request that the objection be withdrawn.

The Office Action rejected claims 21-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,920,374 ("Takenaka"), in view of U.S. Patent No. 4,618,822 ("Hansen"). The rejection is respectfully traversed because Takenaka is not valid prior art in support of the rejections of claims 21-40 under 35 U.S.C. § 103(a).

35 U.S.C. § 103(c)(1) states the following:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicants respectfully note that the present application was filed on June 25, 2004, and claims priority to a Japanese application filed on December 28, 2001. Takenaka was patented on July 19, 2005. Therefore, Takenaka qualifies as prior art against the present application only under 35 U.S.C. § 102(e). However, both the present application and Takenaka were subject to an obligation of assignment to the same entity, namely, Honda Giken Kogyo Kabushiki Kaisha. Evidence of the present application's assignment to Honda Giken Kogyo Kabushiki Kaisha may be found in the assignment recorded June 25, 2004 at reel 016066 and frame 0510. Evidence of Takenaka's assignment to Honda Giken Kogyo Kabushiki Kaisha may be seen on the cover page of Takenaka. Accordingly, it is respectfully submitted that Takenaka and the present application were both subject to an obligation of assignment to the same entity at the time of the invention, namely to Honda Giken Kogyo Kabushiki Kaisha. Therefore, according to 35 U.S.C. § 103(c), Takenaka is not valid prior art in support of a rejection of the claims in the present application under 35 U.S.C. § 103(a).

Applicants respectfully assert that the Office Action's rejection cannot stand without Takenaka, and thus the Office Action's rejection is respectfully traversed. Thus, Applicants respectfully request that the Office Action's rejection be withdrawn.

For at least the reasons discussed above, Applicants respectfully request that all of claims 21-40 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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